

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES L. PETERSON, on behalf)	
of JAMIE PETERSON, a legally)	Case No. 1:15-cv-00969
incapacitated individual,)	
)	
Plaintiff,)	Hon. Paul L. Maloney
)	
v.)	
)	
DAVID HEYMES, VILLAGE OF KALKASKA,)	
GREG SOMERS, MARK URIBE, DAVID)	
ISRAEL, BRUCE DONNELLY, COUNTY OF)	
KALKASKA, UNNAMED OFFICERS OF THE)	
MICHIGAN STATE POLICE, and UNNAMED)	
OFFICERS OF THE KALKASKA POLICE)	
DEPARTMENT,)	
)	
Defendants.)	

**NOTICE OF SETTLEMENT ON APPEAL;
JOINT MOTION FOR INDICATIVE RULING TO EFFECT TERMS OF SETTLEMENT**

Plaintiff-Appellant and Defendants-Appellees David Heymes and the Village of Kalkaska (“Settling Parties”) hereby provide notice of a partial settlement of this matter, subject to this Court willingness to take certain action necessary to effectuate the settlement. Accordingly, pursuant to Rule 62.1 of the Federal Rules of Civil Procedure, the parties jointly request an indicative ruling that the Court will, upon remand from the Sixth Circuit Court of Appeals, proceed with such requested action.

While on appeal, the Settling Parties participated in mediation discussions under Rule 33 of the Sixth Circuit Rules, and they reached a settlement agreement, the terms of which require certain action by this Court. Specifically, because Plaintiff is a legally incapacitated person who has been appointed a guardian, this Court must approve the terms of the settlement as fair and in the best interests of the Plaintiff.

The parties therefore respectfully request that this Court enter the proposed Order (which follows this motion) indicating that it will accept the limited remand from the Court of Appeals and proceed to consider Plaintiff’s Agreed Motion for Approval of Settlement Involving a Legally

Incapacitated Individual (attached as Exhibit 1 hereto).

Respectfully submitted,

JAMIE PETERSON

/s Roshna Bala Keen

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DAVID HEYMES
VILLAGE OF KALKASKA

/s G. Gus Morris

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Plaintiff,)	Hon. Paul L. Maloney
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v.)	
)	
DAVID HEYMES et al,)	
)	
Defendants.)	

ORDER

This matter came before the Court upon the joint motion of the parties pursuant to Rule 62.1 of the Federal Rules of Civil Procedure, asking this Court to indicate its willingness to accept the limited remand from the Court of Appeals and proceed to consider Plaintiff's Agreed Motion for Approval of Settlement Involving a Legally Incapacitated Individual.

Having considered the parties' motion and the entire record, the Court is of the opinion, and so finds, that if the case is remanded to it by the Court of Appeals for the Sixth Circuit, it will grant the relief requested.

IT IS, THEREFORE, ORDERED BY THE COURT that if this case is remanded by the Court of Appeals, this Court will grant the parties' joint motion pursuant to Rule 62.1 of the Federal Rules of Civil Procedure and proceed to consider Plaintiff's Agreed Motion for Approval of Settlement Involving a Legally Incapacitated Individual.

ENTERED this _____ day of _____, 20__.

Judge, United States District Court